

Union Calendar No. 152

97TH CONGRESS
1ST SESSION

H. R. 4

[Report No. 97-221]

To amend the National Security Act of 1947 to prohibit the unauthorized disclosure of information identifying certain United States intelligence officers, agents, informants, and sources.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1981

Mr. BOLAND (for himself, Mr. MAZZOLI, and Mr. ROBINSON) introduced the following bill; which was referred to the Permanent Select Committee on Intelligence

SEPTEMBER 10, 1981

Additional sponsors: Mr. WRIGHT, Mr. LeBOUTILLIER, Mr. McCLORY, Mr. HYDE, Mr. SAWYER, Mr. ASHBROOK, Mr. MOORHEAD, Mr. LUNGREN, Mr. KINDNESS, Mr. SENSENBRENNER, Mr. FISH, Mr. BUTLER, Mr. MICHEL, Mr. APPLGATE, Mr. COURTER, Mr. SOLOMON, Mr. MARTIN of New York, Mr. LaFALCE, Mr. LAGOMARSINO, Mr. BIAGGI, Mr. DUNCAN, Mr. ERLÉNBOHN, Mr. LEWIS, Mrs. HOLT, Mr. MCKINNEY, Mr. WILSON, Mr. COLLINS of Texas, Mr. FRENZEL, Mr. BOWEN, Mr. BAFALIS, Mr. FIELDS, Mr. MILLER of Ohio, Mr. DE LUGO, Mr. STANGELAND, Mr. HENDON, Mr. STUMP, Mr. BLILEY, Mr. LOWERY of California, Mr. NEAL, Mr. FOUNTAIN, Mr. EVANS of Georgia, Mr. EVANS of Delaware, Mr. WEBER of Minnesota, Mr. PEPPER, Mr. PASHAYAN, Mr. MITCHELL of New York, Mr. DORNAN of California, Mr. YOUNG of Florida, Mr. WHITEHURST, and Mr. SHAW

SEPTEMBER 10, 1981

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on January 5, 1981]

1 lically acknowledged or revealed the intelligence relationship to
2 the United States of the individual the disclosure of whose
3 intelligence relationship to the United States is the basis for
4 the prosecution.

5 “(b)(1) Subject to paragraph (2), no person other than a
6 person committing an offense under section 601 shall be sub-
7 ject to prosecution under such section by virtue of section 2 or
8 4 of title 18, United States Code, or shall be subject to pros-
9 ecution for conspiracy to commit an offense under such sec-
10 tion.

11 “(2) Paragraph (1) shall not apply (A) in the case of a
12 person who acted in the course of an effort to identify and
13 expose covert agents with the intent to impair or impede the
14 foreign intelligence activities of the United States by the fact
15 of such identification and exposure, or (B) in the case of a
16 person who has authorized access to classified information.

17 “(c) It shall not be an offense under section 601 to
18 transmit information described in such section directly to the
19 Select Committee on Intelligence of the Senate or to the Per-
20 manent Select Committee on Intelligence of the House of
21 Representatives.

22 “PROCEDURES FOR ESTABLISHING COVER FOR
23 INTELLIGENCE OFFICERS AND EMPLOYEES

24 “SEC. 603. (a) The President shall establish procedures
25 to ensure that any individual who is an officer or employee of

1 an intelligence agency, or a member of the Armed Forces
 2 assigned to duty with an intelligence agency, whose identity
 3 as such an officer, employee, or member is classified informa-
 4 tion and which the United States takes affirmative measures
 5 to conceal is afforded all appropriate assistance to ensure that
 6 the identity of such individual as such an officer, employee,
 7 or member is effectively concealed. Such procedures shall
 8 provide that any department or agency designated by the
 9 President for the purposes of this section shall provide such
 10 assistance as may be determined by the President to be neces-
 11 sary in order to establish and effectively maintain the secrecy
 12 of the identity of such individual as such an officer, employ-
 13 ee, or member.

14 “(b) Procedures established by the President pursuant
 15 to subsection (a) shall be exempt from any requirement for
 16 publication or disclosure.

17 “EXTRATERRITORIAL JURISDICTION

18 “SEC. 604. There is jurisdiction over an offense under
 19 section 601 committed outside the United States if the indi-
 20 vidual committing the offense is a citizen of the United
 21 States or an alien lawfully admitted to the United States for
 22 permanent residence (as defined in section 101(a)(20) of the
 23 Immigration and Nationality Act).